

RESOLUTION NO. 041202-20

WHEREAS, the Council finds that acquisition of the property interest described in the attachment is necessary for a public use; and

WHEREAS, the City has been unable to agree with the owner on the fair market value of the property interest to be acquired; **NOW, THEREFORE**,

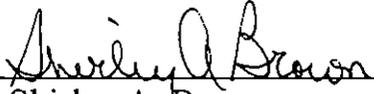
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Attorney is authorized to file a suit in eminent domain and take other action deemed appropriate to economically effect the needed acquisition of the property interest.

The owner of the property interest to be acquired is Roohi-Joohi Inc., and the property is located at 7700 East Martin Luther King Jr. Boulevard, Austin, Travis County, Texas.

ADOPTED: December 2, 2004

ATTEST:


Shirley A. Brown
City Clerk

DESCRIPTION OF 2250 SQUARE FEET (0.0517 ACRE) OF LAND LOCATED IN THE JAMES BURLESON SURVEY NO. 19, ABSTRACT NO. 4 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT A, DAYWOOD SUBDIVISION NO. 2, A PLAT RECORDED IN BOOK 13, PAGE 40, PLAT RECORDS TRAVIS COUNTY, TEXAS, AS CONVEYED TO ROOHI JOOHI INC., D/B/A DOUBLE M GROCERY, IN THE SPECIAL WARRANTY DEED DATED OCTOBER 9, 2003 AND RECORDED IN DOCUMENT NUMBER 2003245812, OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS; SAID 2250 SQUARE FEET OF LAND, AS SHOWN ON A WATERLINE EASEMENT SKETCH PREPARED BY SAM, INC. FOR THIS PARCEL, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at a ½-inch iron rod with SAM INC cap set at a calculated angle point on the northerly right-of-way line of F.M Road 969, being the calculated southeast corner of Lot 1, Blum Addition, a plat recorded in Book 72, Page 91, Plat Records Travis County, Texas, called Tract 2 as described in the Warranty Deed to Griesbach Properties Inc., executed January 1, 1986 and recorded in Volume 9653, Page 0480, Real Property Records Travis County, Texas, in and having Texas State Plane Coordinate System (Central Zone, NAD 83(93)) grid coordinates of N=10075935.65, E=3144661.51, U.S. Survey Feet, Combined Scale Factor of 1.000047148, from which point a ½-inch iron rod found for an angle point on the northerly right-of-way line of F.M. Road 969, being the calculated southeast corner of Lot 1, Block A, Meadows At Trinity Crossing, Phase One-B, a plat recorded in Book 97, Page 48, Plat Records Travis County, Texas, and the southwest corner of a called 7.66 acre tract of land described as Tract 1 in said Warranty Deed to Griesbach Properties, Inc., bears N 64° 43' 37" W, a distance of 444.41 feet;

THENCE N 28° 17' 20" E, with the common line of said Lot 1 and said Lot A, a distance of 15.14 feet to the calculated northwest corner of the tract described herein;

THENCE S 69° 27' 40" E, leaving the east line of said Lot 1 through the interior of said Lot A, a distance of 150.00 feet to the calculated northeast corner of the tract described herein, being on the common line of said Lot A and a called 22.84 acre tract of land described in the Warranty Deed to Griesbach Properties, Inc., executed January 1, 1986 and recorded in Volume 9653, Page 0486, Real Property Records Travis County, Texas;

THENCE S 28° 17' 20" W, with the common line of said Lot A and said 22.84 acre tract, a distance of 15.14 feet to a ½-inch iron rod with SAM INC cap set for the calculated common southerly corner of said Lot A and said 22.84 acre tract, being the calculated southeast corner of the tract described herein;

THENCE N 69° 27' 40" W, with the northerly right-of-way line of said F.M. Road 969, a distance of 150.00 feet to the **POINT OF BEGINNING** and containing 2250 square feet (0.0517 acre) of land, more or less.

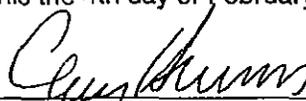
BEARING BASIS: All bearings are based on the Texas Coordinate System, Central Zone, NAD 83(93). Project reference control points consist of TxDOT bronze disk monument N2277017, having grid coordinates of: N=10077297.46, E=3141245.45, and monument N2277027, having grid coordinates of N=10076358.52, E=3143348.68. Combined scale factor of 1.000047148.

This property description is accompanied by a separate plat, see "Sketch to Accompany Field Note. No. 3088REV", page 3 of 3 attached hereto and made a part hereof.

THE STATE OF TEXAS §
 § **KNOW ALL MEN BY THESE PRESENTS:**
COUNTY OF TRAVIS §

That I, Clay Harris, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas this the 4th day of February 2004 A.D.



Clay Harris
Registered Professional Land Surveyor
No. 5638 - State of Texas

SURVEYING AND MAPPING, Inc.
5508 West Highway 290, Building B
Austin, Texas 78735

AUSTIN MAP GRID: N/P-23
TCAD PARCEL: 02-1133-0101



FIELD NOTES REVIEWED
By JOHN MOORE Date 11-30-2004
Engineering Support Section
Department of Public Works
and Transportation

P.O.R.

LOT 1, BLOCK A,
MEADOWS AT
TRINITY CROSSING
PHASE ONE-B
BK. 97, PG. 48
P.R.T.C.Tx.

GRIESBACH PROPERTIES, INC.
CALLED 7.66 ACRES
(TRACT 1)
VOL. 9653, PG. 0480
R.P.R.T.C.Tx.

$N64^{\circ}43'37''W$ 444.41'
($N67^{\circ}07'06''W$)

($S30^{\circ}30'W$ 200')

LOT 1
BLUM ADDITION
BK. 72, PG. 91
P.R.T.C.Tx.

($S30^{\circ}30'W$ 200')

LOT A
DAYWOOD SUBD. NO. 2
BK. 13, PG. 40
P.R.T.C.Tx.

($S30^{\circ}30'W$ 200')

GRIESBACH PROPERTIES, INC.
CALLED 22.84 ACRES
VOL. 9653, PG. 486
R.P.R.T.C.Tx.

F.M. ROAD 969
(WIDTH VARIES)

P.O.B.

($S67^{\circ}15'E$ 150')

SEE DETAIL
BELOW

EXISTING RIGHT-OF-WAY

JAMES BURLESON SURVEY NO. 19, ABS NO. 4



GRAPHIC SCALE
SCALE : 1" = 100'

P.O.R. $N28^{\circ}17'20''E$
15.14'

LOT A
DAYWOOD SUBD. NO. 2
BK. 13, PG. 40
P.R.T.C.Tx.

JOOHI ROOHI INC.
DOC.# 2003245812
O.P.R.T.C.Tx.

P.O.B.
GRID COORDINATES:
N=10075935.65
E=3144661.51

15.00'
 $S69^{\circ}27'40''E$ 150.00'
 $N69^{\circ}27'40''W$ 150.00'

WATERLINE EASEMENT
2250 SQUARE FEET
[0.0517 ACRE]

GRIESBACH PROPERTIES, INC.
CALLED 22.84 ACRES
VOL. 9653, PG. 486
R.P.R.T.C.Tx.

$S28^{\circ}17'20''W$
15.14'

F.M. ROAD 969
(WIDTH VARIES)

DETAIL



GRAPHIC SCALE
SCALE : 1" = 30'

FEBRUARY, 2004

TRAVIS COUNTY, TEXAS

LEGEND

- 1/2" IRON ROD FOUND
- 1/2" IRON ROD W/ SAM INC CAP SET
- △ CALCULATED POINT
- () RECORD INFORMATION
- O.P.R.T.C.TX. OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
- R.P.R.T.C.TX. REAL PROPERTY RECORDS TRAVIS COUNTY, TEXAS
- P.O.B. POINT OF BEGINNING
- P.O.R. POINT OF REFERENCE



Clay Harris 2/4/04

PROJECT:	FM 969
JOB NUMBER:	23337-01
DATE:	FEBRUARY 2004
SURVEYOR:	CLAY HARRIS
PARTY CHIEF:	T.A. FISCHER
FIELDBOOK:	3092
FIELDNOTE:	FN3088REV
TECHNICIAN:	L.J.R.
DRAWING:	FN3088.DWG
SCALE:	VARIES



6606 WEST HIGHWAY 290
BUILDING B
AUSTIN TEXAS, 78735
(512) 447-0676
FAX: (512) 326-3029
EMAIL: SAM@SAMINC.AUS.COM

SKETCH TO ACCOMPANY
WATERLINE EASEMENT
DESCRIPTION FN3088REV

PAGE 3 OF 3

EXHIBIT "A"